IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE BILAL NAZKI
and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 2161 of 2004

Between:
The Thandava Co-operative Sugars Ltd., No.C.181, Payakaraopeta, Visakhapatnam Dist.,A.P.

..... PETITIONER

AND

1 Commercial Tax officer, Anakapalle.
2 Deputy Commissioner (CT), Visakhapatnam.
3 Additional Commissioner (CT) (Legal), A.P.Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ of Mandamus or any other appropriate writ or order or direction, declaring the order of the Additional Commissioner (CT) (Legal) Hyderabad, dt.15-12-2003 passed in CCT's Ref:LV(3)/1427/2003 as illegal, arbitrary, void and inoperative and set-aside the same; (ii) and interdict the 1st respondent from proceedings further for recovery of disputed tax in question to a tune of Rs.16,77,428/- Rs.42,81,096/-, Rs.20,96,973/- and Rs. 15,64,408/- respectively, aggregating to Rs.96,19,905/- lakhs (Rs.98.99 Lakhs) for the Assessment years 1996-97 to 1999-2000.

For the Petitioner:MR.Y.VENKATESH REDDY, Advocate.

For the Respondents : GP FOR COMMERCIAL TAXES

The Court Made the Following :

ORDER : (Per Sri Bilal Nazki, J).

The petitioner had filed an application for stay, before the Additional Commissioner of Commercial Taxes (Legal), Hyderabad, pending appeal before the Tribunal. The Additional Commissioner rejected the application and the Writ Petition is filed.

In the interest of justice, we direct that 50 per cent of the liability shall be discharged within a period of six weeks, subject to outcome of the appeal. For six weeks, there shall be unconditional stay and stay shall continue if half of the liability is discharged during this period. However, if the petitioner fails to deposit the amount, the stay shall stand vacated automatically.

Writ Petition is disposed of accordingly. No costs.

_____

(BILAL NAZKI, J)

28th June, 2004.

_____

(P.S.NARAYANA,J)

ajr.

To

1 Commercial Tax officer, Anakapalle.
2 Deputy Commissioner (CT), Visakhapatnam.

3 Additional Commissioner (CT) (Legal), A.P.Hyderabad.
4) Two copies to the Government Pleader for Commercial Taxes, High Court buildings, Hyderabad (O.U.T).
5) Two C.D. copies.